

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: April 28, 2006

Bulletin: No. 2006-04

Subject: Notice of Proposed Regulatory Action - Certification Criteria for Self-Paced Training

At its January 19, 2006 meeting, the Commission approved the amendment of Commission Regulations and Procedures to codify the criteria for certifying self-paced training. This modification provides POST law enforcement agencies and training presenters with a standardized set of requirements for POST certification of self-paced training, to include Web-based training.

The following information regarding the proposed regulatory action is located on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Pursuant to provisions in the Administrative Procedure Act, the Commission invites written input on this proposal. POST must receive written comments related to the proposed actions no later than June 12, 2006. Information about providing written comments appears in the attached noticed under "Public Comment."

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, any interested persons, or duly authorized representatives, may request that POST hold a public hearing. POST must receive the written request for a public hearing no later than 15 days prior to the close of the public comment period.

Please direct any questions about the proposed text, subject matter, or statement of reasons to Patricia Cassidy at 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by email at Pat.Cassidy@post.ca.gov, or by telephone at 916.227.4847. Graham Breck, the back-up contact person for this proposal, is available by email at Graham.Breck@post.ca.gov or by telephone at 916.227.4550.

KENNETH J. O'BRIEN
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION

Certification Criteria for Self-Paced Training

Regulations 1001, 1015, 1018, 1052, 1053, 1055, 1056, and 1081; Procedures D-2, E-1, F-1, and F-6

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code §13503 - powers of the Commission on POST, and §13506 - Commission on POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e) - Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses, §13523 – Commission on POST authority to reimburse for training expenses of full-time regularly paid employees, from cities, counties, or districts.

Informative Digest/Policy Statement Overview

POST has been the leader in developing and delivering technology-based training to law enforcement in the form of telecourses, case law updates, digital video discs, interactive video discs, and CD-ROMs. However, POST did not immediately embrace the concept of developing Internet training because of the slow speed of computer modems and the inability of existing technology to deliver audio and video.

Agencies that used POST-developed multimedia training courses have since transitioned to automation and computers. With the rapid growth of high-speed modems, cable connections, digital media, and extremely fast computer systems, the work environment has changed and new training opportunities now exist. POST is moving to take advantage of these opportunities through training delivered via the Internet. However, as POST staff examined and addressed the need for Web-based training certification, it became clear that the real issue is certification of self-paced training proposed by course presenters. Current POST regulations provide a process for certification of traditional instructor-led training and cover pertinent topics such as reimbursement and certification requirements and processes.

Recommended amendments to POST regulations create a certification process for self-paced training. The proposed regulations follow existing classroom certification processes wherever possible, with amendments as necessary to accommodate the unique characteristics of self-paced training. The proposed regulations address self-paced training certification, the non-reimbursable status of self-paced training, and the quality of self-paced training as follows:

- Add definitions of “blended learning” and “Web-based training.”
- Exclude self-paced training from POST reimbursement because there are no travel, lodging, or per diem expenses associated with self-paced training.
- Specify the evaluation and certification package criteria for self-paced training.
- Create two types of course certification and specify the distinction between instructor-led training and self-paced training.
- Require separate course certification for each part of a blended learning course - training that includes both instructor-led training and self-paced training.
- Add various digital media to the list of audio-visual training materials that POST must review prior to use.
- Indicate that POST will automatically recertify multimedia training, including WBT.
- Change related regulation sections, mostly for re-lettering of references.
- Use the new category of self-paced training certification to “raise the bar” for training development. Certification requirements for self-paced training include learning objectives that define the training requirements, learning activities to allow the student to meet the course objectives, and evaluations to determine if the student met the course objectives. The requirements for certifying self-paced training are thus intentionally stricter than the requirements for certifying classroom training,

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intended to enhance the learning experience, and support the POST long-term goal of improving the quality and impact of training for California law enforcement as stated in POST Strategic Plan Section B.

Two events further support the need to amend POST regulations to allow certification of self-paced training. In April 2004, the Commission approved the conversion of two POST CD-ROM courses to WBT. In June 2005, the Continuing Education Division of the Los Angeles Police Department expressed a desire to have POST certify the WBT they are developing for in-service training. At its January 20, 2005 meeting, the Commission approved a proposal to amend Commission Regulations to address certification of self-paced training.

The two groups impacted by these regulation amendments have ready access to the same regulations concerning reimbursement and certification requirements and processes:

1. POST Training Delivery and Compliance Bureau staff review and recommend approval/disapproval of course certification requests submitted by presenters of law enforcement training to California peace officers. The proposed regulation amendments provide a process by which the bureau can properly judge the value of proposed self-paced training.
2. The presenters of law enforcement training to California peace officers. The proposed amendments provide presenters with a well-defined set of requirements and documentation to submit when requesting self-paced training certification.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is located on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp:

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the above documents by calling 916.227.4847 or by submitting a written request to the **Contact Persons** listed below. Please refer to POST Bulletin 2006-04. The rulemaking file contains the above-mentioned documents and all information considered for this proposal. The Commission will maintain the file for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period and will appear on the POST website at the address cited above. To request a copy, call the above phone number, or write to the address under **Contact Persons** (see below) in this notice.

Public Comment

The Commission hereby requests written comments related to the proposed actions. Please direct all comments to Executive Director Kenneth J. O'Brien. POST must receive all written comments before 5:00 p.m. on June 12, 2006 by fax at 917.228.2801 or by U.S. Mail addressed to the Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person or his/her duly authorized representative may request that POST hold a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

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Contact Persons

Please direct any questions about the proposed text, subject matter, or statement of reasons to Patricia Cassidy, POST, at 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or via email at Pat.Cassidy@post.ca.gov. The back-up contact person is Graham Breck. His telephone number is 916.227.4550; his email address is Graham.Breck@post.ca.gov.

Estimate of Economic Impact

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action.

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Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the clearly indicated text of any modified language will be available, at least 15 days before adoption, to all persons whose comments POST receives during the public comment period and to all persons who request notification from POST of the availability of such changes. Please address a request for the modified text to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text becomes available.